

RICHARD D. EMERY
 ANDREW G. CELLI, JR.
 MATTHEW D. BRINCKERHOFF
 JONATHAN S. ABADY
 ILANN M. MAAZEL
 ERIC HECKER
 MARIANN MEIER WANG
 SARAH NETBURN
 KATHERINE ROSENFELD
 O. ANDREW F. WILSON
 ELIZABETH S. SAYLOR
 KENNISHA AUSTIN
 DEBRA L. GREENBERGER
 ELORA MUKHERJEE

EMERY CELLI BRINCKERHOFF & ABADY LLP

ATTORNEYS AT LAW
 75 ROCKEFELLER PLAZA 20TH FLOOR
 NEW YORK, NEW YORK 10019

USDC SDNY
 DOCUMENT

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TELEPHONE
 (212) 763-5000
 TELECOPIER
 (212) 763-5001
 WEB ADDRESS
 www.ecbalaw.com

July 14, 2008

July 15, 2008

By E-Mail and U.S. Mail

Hon. Paul A. Crotty
 United States District Court
 Southern District of New York
 500 Pearl Street, Room 735
 New York, NY 10007

Re: Metro Fuel LLC v. City of New York, 07 Civ 8244 (PAC)

Dear Judge Crotty:

This firm represents Plaintiff Metro Fuel LLC ("Fuel") in the above-referenced action. I write with the approval of Sheryl Neufeld, counsel for the City, to jointly address several housekeeping matters.

First, the parties are pleased to report that fact discovery has been completed and that expert discovery is nearly completed. In order to accommodate various scheduling issues that arose, the parties agreed that Plaintiff would file its preliminary injunction and summary judgment papers on July 28, 2008 (rather than on July 21 as previously agreed). This minor adjustment will not affect the remainder of the briefing schedule, which remains unchanged: the City will oppose Plaintiff's motion and cross-move by August 25, Plaintiff will oppose/reply by September 25, and the City will reply by October 20. In other words, other than adjusting the date for Plaintiff's initial papers, the parties will stick to the schedule that the Court approved on March 18, 2008.¹ We hope that the Court will approve this stipulation.

¹ The parties previously agreed to complete expert discovery by June 16. Expert discovery is largely completed, with the exception of Plaintiff's urban design rebuttal expert. The City will complete its deposition shortly. Although it is possible that this deposition may not occur until after Plaintiff files its moving papers on July 28, that will not affect the schedule because Plaintiff has already completed its deposition of the City's urban design expert.

The relief requested
 + (1) modification of the schedule
 (2) enlargement of page limitation
 (3) treatment of confidential documents
 (4) filing of color photographs
 is granted
 So ordered
 Paul Huth
 USDC

MEMO ENDORSED

MEMO ENDORSED

EMERY CELLI BRINCKERHOFF & ABADY LLP

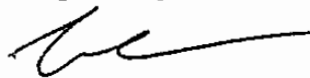
↓ ② Second, the parties jointly request that the Court approve the same page limits in this case that were approved in the related *Clear Channel/Atlantic* actions: 40 pages for Plaintiff's moving brief, 40 pages for the City's cross-moving brief, 25 pages for Plaintiff's opposition/reply, and 25 pages for the City's reply.

↓ ③ Third, the parties may rely on certain documents that have been designated as "Confidential" or "Highly Confidential" pursuant to the Protective Order that was so-ordered on March 27, 2008. The parties respectfully request leave to file such documents under seal according to the procedure spelled out in the Protective Order.

↓ ④ Finally, the parties intend to rely upon color photographs that cannot be filed through the Court's ECF system. The parties therefore respectfully request permission to file such documents with the Clerk by hand.

Thank you very much for your attention to these joint requests.

Respectfully submitted,



Eric Hecker (EH-0989)

cc: Sheryl Neufeld, Esq.